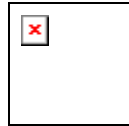


ESTABLISHMENT OF A HOME AFFAIRS COMMITTEE

**Lodged au Greffe on 26th October 1999
by the Policy and Resources Committee**



STATES OF JERSEY

STATES GREFFE

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PROPOSITION

THE STATES are asked to decide whether they are of opinion -

to refer to their Act dated 8th September 1998, in which they agreed to charge the Policy and Resources Committee to develop further the work so far undertaken on the formation, organisation and responsibilities of the Home Affairs Committee; and

- (a) to approve, in principle, the renaming of the Defence Committee as the Home Affairs Committee with effect from 14th December 1999;
- (b) to agree that a Chief Executive Officer of the Home Affairs Committee should be appointed as soon as possible following the date of its establishment;
- (c) to approve in principle the transfer to the Home Affairs Committee as soon as possible following the date of its establishment of -
 - (i) the functions of the Defence Committee;
 - (ii) the functions of the Prison Board;
 - (iii) the responsibility for the Crime and Drugs Strategy Unit;
 - (iv) financial responsibility for the Probation Department from the Finance and Economics Committee;
 - (v) responsibility for the functions of the Customs and Excise Department relating to administration and drug enforcement from the Finance and Economics Committee;
- (d) to charge the Home Affairs Committee from the time of its establishment to take the necessary steps to amend the relevant legislation to enable it to discharge all of its responsibilities, but in particular those responsibilities relevant for the development and implementation of a strategy to bear upon all matters relating to the level and consequences of crime in Jersey.

POLICY AND RESOURCES COMMITTEE

NOTES: 1. The Finance and Economics Committee is aware that the mechanics for the creation of a new Committee are complex, but is concerned that it is being asked to provide the necessary funding at a time when the financial implications of such have yet to be identified or quantified. The Committee would be very surprised if no additional funding was required to implement the recommendations and is of the opinion that all proposals requiring extra funds would need to be fully identified, quantified and appraised before any commitment could be given to the provision of funding. The Committee is fully aware that considerable consultation will need to take place on this and other related issues before the new Committee is established.

There is no specific additional funding included in the revenue Cash Limits for 2000-2002 for any developments which the Home Affairs Committee may bring forward, however it will be expected that where there is a transfer of function from one Committee to the proposed Home Affairs Committee there will have to be a corresponding transfer of funds which must be contained within the total Cash Limits of the Committees and departments concerned.

2. The Establishment Committee's comments are to follow.

REPORT

1. Introduction

- 1.1 On 8th September 1998 the States agreed to charge the Policy and Resources Committee “to develop further the work so far undertaken on the formation, organisation and responsibilities of a Home Affairs Committee”.
- 1.2 The States thereby agreed in principle that there should be a Committee of the States with overall responsibility for the development and implementation of a strategy to bear upon all matters relating to the level and consequences of crime in Jersey. The proposal also seeks to overcome one of the defects of the current Defence Committee, in that it comprises of a number of departments with no over-arching executive support.
- 1.3 To implement the States decision the Policy and Resources Committee decided to ask one of its members, the Connétable of St. Lawrence, to bring together all those who might be involved or affected by the formation of a Home Affairs Committee to expand on the work that had been undertaken up to that time. To assist in this process a Home Affairs Committee Project Group was established, chaired by the then Treasurer of the States. The membership of the Project Group was as follows -

G.M.Baird	Treasurer of the States (left June 1999)
Connétable I.M. Le Feuvre	Vice-President of the Defence Committee
R.H. Le Breton	Chief Officer, States of Jersey Police
A.L. Renouf	Agent of the Impôts
E.K. Wheeler	Prison Governor
F. Greene	Chief Officer, States of Jersey Fire Service
R. Minkley	Chief Officer, Driver and Vehicle Standards
M.D. Furzer	Chief Inspector of Immigration
Dr. D.A. King	Chief Probation Officer (replaced after her appointment to the post of Corporate Strategy Officer)
B. Heath	Chief Probation Officer (replaced Dr. King)
T.D. Bell	Treasury Projects and Planning Officer

- 1.4 It was also agreed that a Political Steering Group should be formed to consider the potential political impact of any proposals made in relation to the formation of a Home Affairs Committee.

The membership of the Steering Group was as follows -

Connétable I.M. Le Feuvre Chair-person
Connétable M. Pollard
Deputy H.G. Coutanche
Deputy D.R. Maltwood
Deputy M.A. Wavell
G.M. Baird
T.D. Bell

- 1.5 The Project Group identified at an early stage that its work should take into account the formation of the Police Authority, and agreed a process of consultation and discussion with Mr. Robin Rumboll, the Chairman of the Authority.
- 1.6 Certain individuals or groups not included in the membership of the Project Group were identified as persons who would wish to contribute to the process, and it was agreed that the following would receive minutes of all meetings -

the Bailiff;
the Attorney General;

the Law Draftsman;
the Greffier of the States;
the Chief Executive of the Policy and Resources Committee;
the President of the Probation Committee.

1.7 The Project Group met seven times during the period December 1998 to August 1999.

1.8 The Political Steering Group met six times during the same period.

1.9 Both Groups identified a number of requirements to be satisfied by any proposed amended Committee structure. These were that any proposal should -

- involve less States Committees than currently;
- offer the potential for reduced agenda volumes for those Committees involved;
- satisfy the States' wish, made known in their adoption of the Strategic Policy Review 1995, that there should be one particular body responsible for the co-ordination of strategic planning and policy-making in what is a sensitive and complex area generally defined as "Home Affairs";
- offer the potential for improved awareness and support by the Committee of the activities and requirements of the departments reporting to them;
- offer the potential for improved co-ordination and efficiency in the provision of administrative support for the departments involved;
- seek to leave undiminished the operational responsibilities and accountabilities of the separate departments and their professional officers;
- provide an effective and efficient organisation and one which would be capable of further development in response to future requirements;
- achieve the objectives in the most effective way and in the shortest possible timeframe having regard to the legislative requirements.

1.10 The Committee has received a report from the Project Group and has met with the Presidents of the Defence Committee, the Prison Board and the Probation Committee. The Committee is most grateful to all those concerned for the time given in addressing the complex issues involved in bringing together a number of presently separate areas of responsibility.

1.11 The Project Group, in carrying out its work, considered the Home Affairs Committee's -

- rôles and responsibilities;
- structure;
- modus operandi;
- resource implications, i.e. -
 - u executive structure;
 - u administration;
 - u accommodation;
 - u budget/resources;
- legal implications;
- advantages and disadvantages.

1.12 The Committee, having considered the report of the Project Group and the views received from the Presidents of the Committees directly involved, has decided to put forward the following proposals for the States' approval. The

Committee has not accepted the report of the Project Group in its entirety, and the main points of view of the Group that the Committee does not share are referred to in the Appendix to this report.

2. **Executive summary**

2.1 The key findings are that -

- the existing Defence Committee should be re-named the Home Affairs Committee;
- the existing Defence Committee's responsibilities should be transferred to the Home Affairs Committee;
- the existing Prison Board's responsibilities should be transferred to the Home Affairs Committee;
- the existing Immigration and Nationality Department's responsibilities to the Lieutenant-Governor should remain;
- the existing Finance and Economics Committee's responsibilities for the Customs and Excise Department in respect of drug enforcement activities and administration should be transferred to the Home Affairs Committee, but the responsibilities for fiscal and general goods control matters should remain with the Finance and Economics Committee;
- the existing Finance and Economics Committee's financial responsibilities for the Probation Service should be transferred to the Home Affairs Committee. Otherwise the Probation Service should remain as at present responsible to the Royal Court through that Court's Probation Committee;
- a Chief Executive Officer should be appointed for the Home Affairs Committee, who should have appropriate executive support;
- the Crime and Drugs Strategy Unit should be responsible to the Home Affairs Committee through the Chief Executive Officer;
- the relationship between the Chief Executive Officer of the Committee, who would be responsible for advising on strategy and monitoring the successful achievement of the strategic policy objectives across the departments responsible to the Committee, and the operational responsibilities of the Chief Officers of those departments, would be similar to the relationship between the Treasurer of the States as Chief Officer of the Finance and Economics Committee and the other Chief Officers who report to that Committee.

2.2 While the conclusions of the current machinery of government review could affect the future Committee structure, and this could apply to Committees generally, this is not considered to be a reason for not proceeding with the formation of a Home Affairs Committee now.

2.3 The Committee considers that there will be significant strategic and policy co-ordination benefits from the establishment of the proposed Home Affairs Committee.

2.4 The transfer of some of the functions to the Home Affairs Committee will take time. There will therefore need to be a phased process starting with the re-naming of the Defence Committee as the Home Affairs Committee and the appointment of a Chief Executive Officer.

3. **Structural proposals**

3.1 It is considered that any revised structure should -

- offer the potential to the Committee for improved awareness and support of all the activities and requirements of the departments reporting to it;
- offer the potential for improved co-ordination and efficiency in the provision of administrative support for the departments involved;
- seek to leave undiminished their professional responsibilities and accountabilities of the Chief Officers involved;

- provide an efficient and effective organisation and one which would be capable of further development in response to future requirements.

3.2 The departments for inclusion in the Home Affairs Committee are -

existing Defence Committee Departments -

Police Service;
Fire Service;
Immigration and Nationality;
Driver and Vehicle Standards;

additional Departments -

Customs and Excise (though for fiscal matters the Department would continue to report to the Finance and Economics Committee);
H.M. Prison.

The Territorial Army would report to the Home Affairs Committee, mirroring the existing arrangements with the Defence Committee.

3.3 The proposed way forward would be -

- the existing Defence Committee be re-named the Home Affairs Committee;
- the existing Defence Committee's responsibilities be transferred to the Home Affairs Committee;
- the rôles and responsibilities of the Home Affairs Committee should incorporate the current mandate of the Defence Committee, and also incorporate terms embracing the additional departments;
- the Home Affairs Committee's primary rôle and responsibility should be to focus on strategic policy and planning, allied to a co-ordinating rôle and a monitoring rôle in the implementation of the strategy across the departments for which it is responsible;
- the Home Affairs Committee should develop a Committee Strategic Plan;
- the rôle and structure of the departments referred to in section 3.2 should continue unchanged with accountability transferred to the Home Affairs Committee;
- the Immigration and Nationality Department's current relationship with the Lieutenant-Governor should remain undisturbed;
- the relationship of the Probation Service with the Royal Court should remain undisturbed, whilst reporting to the Home Affairs Committee on financial matters; [*The Policy and Resources Committee considers that while the Probation Service is an important element in the development of the overall strategy for those matters for which the Home Affairs Committee would be responsible, it is recognised that the Probation Committee is responsible to the Royal Court. Reconciling these two elements is a matter that the Committee believes should be left to the new Home Affairs Committee to consider in consultation with the Probation Committee and the Bailiff.*]
- the Customs and Excise Department should report to the Home Affairs Committee for drug enforcement activities and administration, and to the Finance and Economics Committee for fiscal and general goods control matters;
- the Crime Drug Strategy Unit should report to the Home Affairs Committee, but machinery should remain in place to ensure the effective co-ordination of the respective rôles of the Home Affairs, Health and Social Services and Education Committees in respect of the Drugs Strategy.

3.4 The Committee has received strong representations from the Prison Board that the latter should remain a separate

Committee of the States and not be absorbed into a Home Affairs Committee. The main arguments advanced by the Prison Board, and the Committee's response to those arguments, are as follows -

- that the Prison service benefits from having seven politicians dedicated to it.

The Committee would expect that with the proposed Home Affairs Committee dedicated responsibility for overseeing the Prison Service would be given to one or possibly two of the individual members of that Committee;

- the independence of the Prison Governor would be threatened by the Chief Officer of the Home Affairs Committee.

The Committee has stressed that the rôle of the Chief Officer of the Home Affairs Committee would leave undiminished the professional responsibilities and accountabilities of the departmental Chief Officers involved. It is expected that the Professional Officers will report directly to the Home Affairs Committee on their areas of responsibility in the same way that the Comptroller of Income Tax reports directly to the Finance and Economics Committee, notwithstanding that the Finance and Economics Committee has the Treasurer of the States as its Chief Officer.

The position of the Prison Governor should also be enhanced by his access to the support services that will be provided by officers of the Home Affairs Committee to all the departments of that Committee;

- that the manpower and financial requirements of the Prison Service are less likely to be satisfied if the Prison Service is responsible to the Home Affairs Committee.

The Committee is of the view that a Home Affairs Committee with an overall strategy will enhance the prospects of the Prison Service obtaining the manpower and money required for that service to be undertaken effectively. In addition, and possibly more importantly, through the development of a comprehensive strategy bearing upon all matters relating to the level and consequences of crime in Jersey, it is possible that the policies pursued will lead to a reduction in the pressure on the Prison Service, and thereby in the need for additional manpower and financial resources.

4. **Legislative proposals**

4.1 The introduction of the Home Affairs Committee will require amendments to be made to all existing departmental legislation to reflect -

- the change in name of the Defence Committee;
- the transfer of certain departments to the Home Affairs Committee from other Committees;
- split responsibilities for the Customs and Excise Department.

In addition the legislation would need to cover the rôle of the separate Police Authority.

The Law Draftsman has confirmed that it would not be possible to amend Customs legislation until Privy Council approves the new Customs and Excise Law early in the New Year. The required amendments will be complex and may well take some time to determine and draft. The inclusion of Customs and Excise within the Home Affairs Committee framework will have to be delayed until this work has been carried out.

4.2 In support of the structural proposals it is therefore proposed that -

- the existing Defence Committee should be re-named the Home Affairs Committee;
- all Defence Committee legislation should be amended to refer to the Home Affairs Committee;
- all Police legislation currently referring to the Defence Committee as the responsible Committee should be amended to refer to the Home Affairs Committee as the responsible Committee; where the Committee remains the appropriate body following the enactment of legislation providing for the new Police Authority;

- all Fire Service legislation currently referring to the Defence Committee as the responsible Committee should be amended to refer to the Home Affairs Committee as the responsible Committee;
- all Immigration and Nationality legislation currently referring to the Defence Committee as the responsible Committee should be amended to refer to the Home Affairs Committee as the responsible Committee;
- all Driver and Vehicle Standards legislation currently referring to the Defence Committee as the responsible Committee should be amended to refer to the Home Affairs Committee as the responsible Committee;
- all Probation Committee legislation currently referring to the Finance and Economics Committee should be amended to refer to the Home Affairs Committee;
- all Customs and Excise legislation with regard to administration and drug enforcement currently referring to the Finance and Economics Committee as the responsible Committee should be amended to refer to the Home Affairs Committee as the responsible Committee;
- all Prison legislation currently referring to the Prison Board as the responsible Committee should be amended to refer to the Home Affairs Committee.

To the extent that it is possible to do so, the required amendments to legislation, referred to above, will be achieved through an Act of the States to transfer functions under Article 29 of the States of Jersey Law.

5. **Administrative proposals**

5.1 The following administrative measures will be necessary -

- the Committee should have a Chief Executive Officer, with appropriate executive support, who would be responsible for advising the Home Affairs Committee on its overall strategy and for ensuring the effective implementation of that strategy;
- the Chief Officers of the Committee's departments would retain their present responsibilities;
- a Home Affairs Chief Officers Group should be formed which should meet regularly under the chairmanship of the Chief Executive Officer of the Committee;
- the Home Affairs Chief Officers Group should meet on a regular basis with the Home Affairs Committee in order to ensure efficient and effective policy co-ordination;
- in order to demonstrate impartiality and to ensure full regular contact with each of its departments, the Home Affairs Committee's meetings should, where appropriate, concentrate on single departmental agendas;
- in order to minimise the risk of the interests of the smaller departments being dominated by the interests of the larger departments, one member of the Home Affairs Committee should be allocated responsibility for overseeing each of the departments reporting to the Committee.

5.2 A central support service function will be established for the smaller departments covering -

- secretarial support (for the Committee);
- information technology support;
- personnel management support;
- financial management support;
- casework research on major topics such as human rights legislation/freedom of information etc.;
- planning and project management support.

In the view of the Committee, however, consideration should be given to whether a number of these support services (e.g. information technology, personnel and financial management) might be provided most effectively, in part or in whole, using the existing resources of the “corporate” departments (i.e. the Computer Services Department, the States Personnel Department and the Treasury).

5.3 Dedicated accommodation should be provided for the Home Affairs Committee. In order to demonstrate impartiality, this accommodation should not be co-located within existing departmental premises.

6. **Advantages**

6.1 The Committee is of the view that the following benefits would be gained from the creation of a Home Affairs Committee.

Political benefits

- a strategy would be more readily formulated covering all the areas of responsibility of the Committee;
- more coherent application of policy;
- better value for money in service delivery;
- better transparency for public accountability;
- it would better facilitate compliance with States policies;
- a larger Committee could be more influential and better represent its small departments;
- the number of States Committees would be reduced by one;
- assist the new Committee by the provision of executive support which the present Defence Committee currently lacks.

Departmental benefits

- encourages better liaison between departments;
- provides scope for better central support;
- common standards can be adopted and applied more effectively.

7. **Next steps**

7.1 The Committee would propose that the Defence Committee should be re-named the Home Affairs Committee and, together with the appointment of a Chief Executive Officer, should -

- develop and co-ordinate the required actions;
- develop a detailed project plan and timescale;
- identify the necessary financial and staffing resources;
- formally liaise with the Law Draftsman to identify the effort required and likely timescales of processing the necessary legislative changes.

19th October 1999

APPENDIX

THE REPORT OF THE HOME AFFAIRS PROJECT GROUP

The main points included in the report of the Home Affairs Project Group which the Policy and Resources Committee has not accepted, are as follows -

1. The Group's majority view was that the Crime and Drugs Strategy Unit should report to the Policy and Resources Committee through that Committee's Chief Executive Officer. The Group expressed the view that the rationale behind this proposal was that the rôle of the Unit is predominantly one of facilitation of cross-departmental boundaries, with no one Committee having the policy formulation responsibility. The Group stated that Health and Social Services and Education, who have a major input into the Crime and Drugs strategies, would not consider it appropriate for the Home Affairs Committee to have overall policy formulation responsibility in this area.
2. The Group is of the view that the Home Affairs Committee should not have a Chief Executive Officer but should have a dedicated executive support unit/secretariat, and the Chief Officers' Group which, together with the management of the executive support unit/secretariat, would meet on a regular basis with the Home Affairs Committee in order to ensure the efficient and effective policy co-ordination.
3. The Group saw the following risks and threats that might arise from the creation of a Home Affairs Committee -
 - may have the wrong composition of departments leading to instability;
 - additional costs in bureaucracy without operational benefits;
 - additional staff requirement against States policy;
 - departments reporting to two Committees might have conflicting objectives which cannot be reconciled easily. They also lead to confusion amongst staff and public and divided loyalties amongst officers and politicians;
 - departmental balance may be wrong with large departments dominating at the expense of smaller ones;
 - agendas too varied at meetings, wasting the time of officers and stretching the expertise and workload of politicians.